

# JURIDICAL ANALYSIS OF THE COMPARISON OF ELECTION COSTS IN INDONESIA AND THE UNITED STATES IN LEGISLATIVE ELECTIONS

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## ABSTRACT

General elections according to the Big Indonesian Dictionary (KBBI) are elections carried out simultaneously by all the people of a country to elect people's representatives and so on. The research methodology in this writing uses a normative approach. The research results show that in the Indonesian and American elections there are several differences, such as the type of institution authorized to organize elections and the procedures for conducting elections. However, the Indonesian and American elections also have several similarities, especially in the economic field. On the economic side, holding elections affects the dynamics of the national economy. Political activities will increase public consumption, from preparation to implementation of elections, including government spending on organizing elections to campaign spending.

**Keywords:** Election, Indonesia, America

## A. INTRODUCTION

Pancasila as a state ideology is a vision or direction of national and state life in Indonesia which is a unifier and directs the motivation of the nation to achieve its ideals in order to realize a life that upholds divinity, human values, unity, democracy and justice. (Dodi Kariyadi, 2017) As a way of life for the Indonesian nation, Pancasila forms crystallization of values whose truth is truly recognized, and building determination to be implemented in everyday life (Arlanda Nissa Rahma, 2021)

Pancasila is the official philosophical foundation of the Indonesian state. It consists of five principles that guide the social and political life of the nation. Pancasila consists of five principles. First, Belief in One Almighty God, this principle emphasizes the importance of belief in a higher power and recognition of the existence of God. Second, Just and Civilized Humanity, this principle puts forward the value of treating all individuals fairly, justly and civilized. Third, Indonesian Unity, this principle emphasizes the unity and integrity of the Indonesian nation, respecting diversity, and prioritizing national interests above personal or group interests. Fourth, democracy is led by wisdom in deliberation/representation, this principle emphasizes the importance of active participation of the people in the decision-making process and implementation of democracy based on deliberation and consensus. Fifth, social justice for all Indonesian people, this principle is an idea to achieve social justice and prosperity for all Indonesian citizens. (Ratna Sari, 2022)

The points of Pancasila as a whole are listed in the preamble to the 1945 Constitution. If correlated with the fourth principle of Pancasila, the 1945 Constitution recognizes and upholds the principles of democracy and popular sovereignty. He acknowledged that the people hold power and that the country must develop democracy based on Pancasila and respect the sovereignty of the people. The amendments to the 1945 Constitution have resulted in Indonesia having a more democratic and modern constitution which can serve as basic

guidelines for state and national life. As stated in article 1 paragraph 2 of the 1945 Constitution, it recognizes indirect democracy, meaning that the implementation of popular sovereignty is not carried out directly by the people, article 1 paragraph 3 of the 1945 Constitution recognizes that sovereignty is in the hands of the people and that the state must develop democracy based on Pancasila and respect sovereignty. people, article 28 of the 1945 Constitution recognizes the right of every citizen to participate in the democratic process and express their opinions freely.(Ambar Wida Astuti Aprillia, 2021)

Indonesia is one of the largest democratic countries in the world. In a democratic country, elections are a series of important procedures. Even though democracy is not the same as elections, elections are a very important aspect that must also be held democratically. Therefore, it is common for countries that call themselves democracies to have a tradition of elections to elect public officials in the legislative and executive fields, both at the central and regional levels. (Adiwidjaja, 2017)

General elections according to the Big Indonesian Dictionary (KBBI) are elections carried out simultaneously by all the people of a country to elect people's representatives and so on. Juridically, elections are a process carried out to elect political officials and provide recognition from the public regarding the authority, decisions and policies that will be taken by elected political officials to exercise power . This is also stated in PKPU RI No.7 of 2017 "elections are a means of implementing people's sovereignty to elect members of the DPR, DPRD, President and Vice President to make elections that are carried out in a LUBER and JURDIL manner in the Unitary State of the Republic of Indonesia based on Pancasila and the constitution Republic of Indonesia 1945". Meanwhile, according to law number 12 of 2023, elections are a means of implementing people's sovereignty in the Unitary State of the Republic of Indonesia which is based on Pancasila and the 1945 Constitution of the Republic of Indonesia. Theoretically, general elections are considered to be the earliest stage in various series of democratic state life. So elections are the driving force of the political system mechanism. This is because elections involve all the people directly. Through elections, people can also convey their wishes in politics or the state system . (Frenki, 2016)

In Indonesia, elections are held regularly and carried out carefully. Large amounts of funding were allocated to mobilize voters and conduct polls. Since the Soeharto era or more synonymous with the "New Order" regime, elections have been held successively in 1971, 1977 , 1982, 1987, 1992 and 1997. The next election should have been held in 2002, but due to political, social and crisis conditions The economy was dragging on at that time, so in 1998, which finally brought down the dominance of the Soeharto regime, elections were held in 1999 and Indonesia became the country that succeeded in holding the most democratic elections in 30 years. Elections were then held in 2004, 2009 and 2014, then the final general election was in 2019 . (Supriyadi, 2018)

Meanwhile, when compared with other democratic countries such as the United States, the United States is a representative democracy since the ratification of the United States Constitution in 1787. Elections are held every even-numbered year in the federal region and most states and localities for various government positions in the United States. . Some states and local territories hold elections every odd-numbered year. Every four years, Americans elect a president and vice president. Meanwhile, every two years, Americans elect the 435 members of the United States House of Representatives. There are two basic varieties of United States elections, primaries and general elections. Preliminary elections are held before the general election to determine the candidates from the parties who will run for the general election. The candidates who win in the primary election then represent their party in the

election ([https://p2k.stekom.ac.id/ensiklopedia/Pemolehan\\_umum\\_di\\_america\\_Serikat](https://p2k.stekom.ac.id/ensiklopedia/Pemolehan_umum_di_america_Serikat)  
Accessed on 19 July 2023, at 17.00 WIB).

If viewed based on legislative elections, the United States in the election of members of Congress is as important as the presidential election. This is because of the important role that Congress plays in making laws. Congress is legally and politically independent. In the past, Congressional elections have tended to be party-centred, where many voters are loyal to one political party and tend to vote for members of Congress from that party. But since the 1960s, congressional elections have become increasingly centered on the candidate. Congress consists of two bodies, namely the House of Representatives (DPR) and the Senate. Members of each body are elected in different ways. The DPR is intended to be the body closest to the people, elected from relatively small districts with more frequent elections (every two years). Each state is guaranteed one seat in the DPR. States with large populations will get more seats in the DPR. Such an electoral system is called a Single-member Constituency electoral system or District system. (Budiatri, 2013)

Confirming the statement above, elections are a very important series of agendas for democratic countries, so it is not uncommon for countries to spend quite large budgets to hold elections. To make it easier for the author to conduct research, the author has formulated it into three problem formulations, namely: first 1) what is the comparative analysis of the electoral system in Indonesia and the United States in legislative elections?; 2) what is the analysis of the costs of legislative elections in Indonesia and the United States from an economic perspective?; 3) What is the economic impact of legislative elections in Indonesia and the United States from a juridical perspective?

The research methodology in this writing uses a normative approach, legal research with a doctrinal/normative approach is carried out by examining written law from various aspects which depart from rules as teachings that guide behavior. This research is also descriptive analytical in nature which is carried out by studying problems in society, procedures that apply in society as well as situations, attitudes, views, ongoing processes and the influence of a phenomenon in society (Purwati, 2020)

The research was carried out by examining secondary data sourced from primary, secondary and tertiary legal materials obtained from legislation, books, expert views, articles/writings and other material sources related to this research topic. The method of collecting research materials and sources in this research uses document learning by identifying them which are then assembled in a structured form and then analyzed qualitatively by assessing the effectiveness of their application to the situation that occurs until the problem discussed reaches clarity.

## **B. DISCUSSION**

### **1. A Comparative Analysis of the Election Systems in Indonesia and the United States in Legislative Elections**

From the historical side of the electoral system in the United States and Indonesia can see that the *Electoral College system* as a representative democracy in America has not experienced substantial changes, the only changes are in granting voting rights and changing the *ballot system* which was originally manual to a modern system with technology, while Indonesia has changed its electoral system. In general, it has changed several times from being represented or directly. This is because American society considers *the Electoral College system* to be a political tradition that has existed since the beginning of the independence of

the United States . whereas in the case of Indonesia, changes occurred due to regime changes from the old order, new order, and reform order (Febriyanti et al, 2017) .

In terms of the organization that regulates and supervises Indonesian elections, the General Election Commission (KPU) in accordance with article 10 of law number 3 of 1999, the KPU is tasked with (Aditya Perdana et al, 2019) :

- a) planning and preparing for the General Election;
- b) receive, examine and determine Political Parties entitled to participate in the General Election;
- c) form the Indonesian Election Committee, hereinafter referred to as PPI, and coordinate General Election activities from the central level to the polling place, hereinafter referred to as TPS;
- d) determine the number of seats for members of the DPR, DPRD I and DPRD II for each electoral district;
- e) determine the overall results of the General Election in all electoral districts for the DPR, DPRD I and DPRD II;
- f) collect and systemize materials and data on General Election results;
- g) lead the stages of General Election activities.

Meanwhile, supervision is borne by Bawaslu which oversees the preparation, stages and implementation of elections in Indonesia with its representatives (Panwaslu) in the sub-districts.

On the other hand, the United States has the Federal Election Commission ( FEC), an independent organization whose duties are limited to regulating all matters relating to campaign finance, starting from supervision, investigation and notification of campaign finance to the public. As for preparation, Implementation is left to each state with funding and standardization from the Election Assistance Commission (EAC), a government organization tasked with funding, regulating and researching elections in America . (www.eac.gov/ , “ Testing and Certification Program , accessed on 2 December 2023 at 13:00 WIB )

Technology is also a differentiator because in the United States since the era of George W. Bush, the American Congress implemented an electronic voting system/ *e-voting* through the HAVA law . ( *Help American Vote Act* ) which was designed to provide funds to states to abandon the old vote counting system which used paper ballots now replaced with an electronic system with a device called *Direct Recording Electronic* which operates with a touch screen where people in the states simply vote candidates on the touch screen by pressing the image of the candidate they selected. This system is considered efficient and effective because it does not use paper ballots , it is a faster vote counting system where the results can be seen in just 1 to 2 days, and can reduce the error factors that usually occur in ballot papers such as damage and so on. , this system has been implemented in several large states such as Florida and Texas, although some states still use a paper ballot system. Meanwhile in Indonesia , the role of the community is greater where the Indonesian people have a bigger and more direct role where the people vote directly without intermediaries. However, the size of the community's role is not necessarily a benchmark for the election to be considered successful (Doris et al, 2020) .

Regarding voting locations where in Indonesia there were no significant changes in terms of voting locations from the beginning of the New Order era to the Reform Order, this is different from the United States where the incumbent governors in the United States are

controversial because they can change the boundaries. districts literally so that the votes they receive become dominant in both legislative and presidential elections. This is called Gerrymandering where this name is taken from the name of the governor of Massachusetts named Elbridge Gerry who is known to have signed a regulation that allowed the governor to change the shape of the district according to the governor's wishes in 1812 . (www.cambridgehistory.org, "Cambridge Roots of Gerrymandering" , accessed December 2 2023 at 13:00 WIB )

Apart from that, a comparison of the legislative election system between the United States and Indonesia has a different legislative election system, where the legislative election system in Indonesia uses a proportional mechanism system and the general election system in the United States uses a district system. The district system in the United States has the advantage of simplifying the number of political parties, so that the government and political system are relatively more stable. Apart from that, in this system the political parties that will compete will be more selective in determining their candidates in the districts where they will take part in the election, so this is also good for suppressing political oligarchy at the political party level because there will only be competent and populist candidates who have potential. won a large number of votes in the district (Ilham, 2023) .

Meanwhile, the electoral system in Indonesia which applies a proportional mechanism takes into account the proportion of the number of seats to the number of residents/voters in an electoral district. So in this system, regions that have a large population will get a larger number of seats in a representative institution. Apart from that, the proportion of votes obtained by political parties is also taken into consideration to be converted into seats obtained by the political party. Thus, political parties can nominate more than one candidate in an electoral district, and there is also an opportunity for small parties to gain seats in that electoral district (Fadel, 2023)

## **2. Analysis of the Costs of Legislative Elections in Indonesia and the United States from an Economic Perspective**

The role and function of money in elections is very important in studies in the social sciences, especially political science, law and economics. This topic is closely related to various issues of transparency and accountability in order to encourage the realization of elections with integrity. This topic is also closely related to the concept of electoral justice, more specifically the dimensions of contestation and participation in realizing elections that run honestly and fairly (Potter and Tavits 2013).

Political events such as elections are closely related to the economic stability of a country . It is known that holding general elections in Indonesia is still very expensive just to hold a democratic party. This is because the general election process in Indonesia still uses a manual voting system. This is different from developed countries where the general election process uses advanced technology so that its implementation can be more efficient and effective (Sukmajati et al, 2018) .

Based on data obtained by the author, the Indonesian government through the Ministry of Finance allocated the election budget in 2019 then amounted to IDR 25.59 trillion or an increase of 61% compared to the budget for the 2014 elections , namely IDR 15.62 trillion. Apart from the election implementation budget of IDR 25.6 trillion, the budget allocated for supervision was IDR 4.85 trillion. This budget was also an increase compared to the 2014 election , which was IDR 3.67 trillion . Not only that, the security budget was also allocated IDR 3.29 trillion, higher than the election budget in 2014 which amounted to IDR 1.7 trillion.

. Likewise, the budget for election support activities increased from IDR 1.7 trillion in the 2014 Election to IDR 3.29 trillion in the 2019 Election. (<https://setkab.go.id/naik-61-dibanding-2014-anggaran-lenggaraan-pemilu-2019-reach-rp2559-trillion/> Accessed on 4 November 2023, at 19.00 WIB )

2024 is the year in which elections will be held again in Indonesia, the author estimates that there will be an increase in the budget for holding the 2024 elections in Indonesia, this is due to regional expansion which will have an impact on increasing the number of election organizers in the regions, both PPK, PPS, to KPPS. It's true, some time ago the Government set a budget of IDR 70.5 trillion for the 2024 elections. This budget was disbursed using a multiyear scheme. Minister of Finance Sri Mulyani Indrawati said the 2024 election budget was divided into three years (Ahmad Solikhin, 2019) .

Apart from the large implementation costs, becoming one of the candidates to be selected also requires quite a large amount of money. For example in legislative elections. The lower a person's popularity, the higher the costs required. Based on research conducted by the Director of Prajna Research Indonesia , namely Sofyan Herbowo , it is stated that there are minimum costs that must be prepared by a legislative candidate when facing the legislative elections. (Linda Wahyu et al, 2023)

The details are as follows:

- 1) Candidates for DPR RI members: IDR 1 billion-IDR 2 billion
- 2) Provincial DPRD member candidates: IDR 500 million-IDR 1 billion
- 3) Regency/city DPRD member candidates: IDR 250 million-IDR 300 million

In contrast to Indonesia, it turns out that the costs incurred in elections in the United States are higher than the costs incurred in elections in Indonesia. Even though the United States is a developed country, it still requires large costs to hold an election. For example, in 2020, the elections held in the United States were recorded to have cost a total of 14 billion US dollars (Rp. 205.4 trillion) . The election consists of the election of the president (pilpres) and members of congress. Congress consists of two bodies, namely the House of Representatives (DPR) and the Senate. Members of each body are elected in different ways . The DPR is intended to be the body closest to the people, elected from relatively small districts with more frequent elections (every two years). Each state is guaranteed one seat in the DPR. States with large populations will get more seats in the DPR. (Denny, 2021) .

Reporting from a study on *Xinhua Indonesia* , it was stated that General election expenditures in 2020 were greater than the combined expenditures during the previous two election cycles. According to estimates from the Center for Responsive Politics (CRP), the 2020 elections , which were held on November 3, cost more than 6.6 billion US dollars (Rp. 96.8 trillion), while donations raised for the exchange of congressional seats exceeded 7.2 billion. billion US dollars (Rp. 105.6 trillion).

### **3. Economic Impact Of Legislative Elections In The Country Of Indonesia And The United States From A Judicial Perspective**

Elections are a big democratic party that has a political and economic impact on every nation , such as Indonesia and America . Every year in Indonesia and America, elections have various impacts on the national economy . The democratic party not only has a social and political impact, but also affects the economy. In the political field, elections can be a means for citizens to participate in the democratic process and determine the figure and direction of state or regional leadership in a certain period (Dedy Ahmad et al, 2022) .

On the economic side, holding elections affects the dynamics of the national economy. Political activities will increase public consumption, from preparation to implementation of elections, including government spending on organizing elections to campaign spending. The large election budget allocated for logistics, goods and services procurement needs will stimulate the production and distribution sectors. Expenditures and consumption from the implementation of elections from the central level to *ad hoc bodies* that receive election fees will also stimulate people's purchasing power. Not to mention that spending on socialization and campaigns from election participants will have a positive impact on the economic cycle in society. The holding of elections will increase demand for food and beverage products, the textile and textile products (TPT) industry, accommodation and the transportation industry (Nunung Nurhaeni, 2019).

Elections also stimulate labor-intensive businesses in small and medium-sized communities. For example, through printing, confectionery, advertising and other businesses that support election campaigns and outreach. Apart from that, usually during election times there are many cheap market agendas to boost the popularity of party figures or institutions that are contesting. Thus, activities around the election encourage an increase in spending and consumption by the public at large.

Various activities related to the election ultimately contributed to additional growth in gross domestic product (GDP). So, indirectly it helps stimulate an increase in national income and also maintains economic stability in Indonesia and America. Apart from that, elections also have an impact on investment and the global economy of a country. If the candidate elected in the election is someone who is able to overcome problems in the world market, then this will cause investment in that region or country to grow rapidly (Kevin Kristoper, 2022).

## C. CLOSING

### 1. Conclusion

- 1) Comparison of the legislative election system between the United States and Indonesia which have different legislative election systems, where the legislative election system in Indonesia uses a proportional mechanism system and the general election system in the United States uses a district system. The district system in the United States has the advantage of simplifying the number of political parties, so that the government and political system are relatively more stable. Apart from that, in this system the political parties that will compete will be more selective in determining their candidates in the districts where they will take part in the election, so this is also good for suppressing political oligarchy at the political party level because there will only be competent and populist candidates who have potential. won a large number of votes in the district . Meanwhile, the electoral system in Indonesia which applies a proportional mechanism takes into account the proportion of the number of seats to the number of residents/voters in an electoral district. So in this system, regions that have a large population will get a larger number of seats in a representative institution. Apart from that, the proportion of votes obtained by political parties is also taken into consideration to be converted into seats obtained by the political party. Thus, political parties can nominate more than one candidate in an electoral district, and there is also an opportunity for small parties to gain seats in that electoral district .
- 2) Based on data obtained by the author, the Indonesian government through the Ministry of Finance allocated the election budget in 2019 then amounted to IDR 25.59 trillion or an increase of 61% compared to the budget for the 2014 elections , namely IDR 15.62

trillion. Apart from the election implementation budget of IDR 25.6 trillion, the budget allocated for supervision was IDR 4.85 trillion. This budget was also an increase compared to the 2014 election, which was IDR 3.67 trillion. Not only that, the security budget was also allocated IDR 3.29 trillion, higher than the election budget in 2014 which amounted to IDR 1.7 trillion. Likewise, the budget for election support activities increased from IDR 1.7 trillion in the 2014 election to IDR 3.29 trillion in the 2019 election. The government has set a budget of IDR 70.5 trillion for the 2024 elections. This budget is disbursed using a multiyear scheme. Minister of Finance Sri Mulyani Indrawati said the 2024 election budget was divided into three years. In contrast to Indonesia, it turns out that the costs incurred in elections in the United States are higher than the costs incurred in elections in Indonesia. For example, in 2020, the elections held in the United States were recorded to have cost a total of 14 billion US dollars (Rp. 205.4 trillion). The elections consist of the election of the president (pilpres) and members of congress. Congress consists of two bodies, namely the House of Representatives (DPR) and the Senate.

- 3) Elections are a big democratic party that has a political and economic impact on every nation, such as Indonesia and America. On the economic side, holding elections affects the dynamics of the national economy. Political activities will increase public consumption, from preparation to implementation of elections, including government spending on organizing elections to campaign spending. Apart from that, elections also have an impact on investment and the global economy of a country.

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